

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA,	:	
Plaintiff,	:	
v.	:	Case No. 3:17-cr-190, 3:19-cv-87
DEANDRE EUGENE WHITE,	:	JUDGE WALTER H. RICE
Defendant.	:	

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DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #83);  
OVERRULING DEFENDANT'S MOTION FOR RELIEF FROM  
JUDGMENT (DOC. #82); DENYING CERTIFICATE OF  
APPEALABILITY AND LEAVE TO APPEAL *IN FORMA PAUPERIS*;  
JUDGMENT TO ENTER IN FAVOR OF PLAINTIFF AND AGAINST  
DEFENDANT

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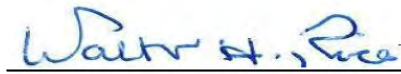
Based on the reasoning and citations of authority set forth by United States Magistrate Judge Michael R. Merz in his June 24, 2021, Report and Recommendations, Doc. #83, as well as upon a thorough *de novo* review of this Court's file and the applicable law, the Court ADOPTS said judicial filing in its entirety, and OVERRULES Defendant's Motion for Relief from Judgment Pursuant to Fed. R. Civ. P. 60(b), Doc. #82.

The Court notes that, although Defendant was notified of his right to file Objections to the Report and Recommendations, and of the consequences of failing to do so, no Objections were filed within the time allotted.

Given that Defendant has not made a substantial showing of the denial of a constitutional right and, further, that the Court's decision herein would not be debatable among reasonable jurists, and because any appeal from this Court's decision would be *objectively* frivolous, Defendant is denied a certificate of appealability, and is denied leave to appeal *in forma pauperis*.

Judgment will be entered in favor of Plaintiff and against Defendant.

Date: July 21, 2021



(tp - per Judge Rice authorization after his review)

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WALTER H. RICE  
UNITED STATES DISTRICT JUDGE